

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

BLUE SPIKE, LLC	§	Civil Action No. 6:12-CV-499 MHS
<i>Plaintiff,</i>	§	
	§	LEAD CASE
v.	§	
	§	
TEXAS INSTRUMENTS, INC.	§	
<i>Defendants</i>	§	

BLUE SPIKE, LLC,	§	Civil Action No. 6:12-CV-576 MHS
<i>Plaintiff,</i>	§	
v.	§	CONSOLIDATED CASE
AUDIBLE MAGIC CORPORATION,	§	
FACEBOOK, INC., MYSPACE, LLC,	§	
SPECIFIC MEDIA, LLC,	§	
PHOTOBUCKET.COM, INC.,	§	
DAILYMOTION, INC.,	§	
DAILYMOTION S.A., SOUNDCLOUD,	§	
INC., SOUNDCLOUD LTD., MYXER,	§	
INC., QLIPSO, INC., QLIPSO MEDIA	§	
NETWORKS LTD., YAP.TV, INC.,	§	
GOMISO, INC., IMESH, INC.,	§	
METACAFE, INC., BOODABEE	§	
TECHNOLOGIES, INC., TUNECORE,	§	
INC., ZEDGE HOLDINGS, INC.,	§	
BRIGHTCOVE INC.,	§	
COINCIDENT.TV, INC., ACCEDO	§	
BROADBAND NORTH AMERICA,	§	
INC., ACCEDO BROADBAND AB,	§	
AND MEDIAFIRE, LLC	§	
<i>Defendants.</i>	§	

BLUE SPIKE, LLC,	§	Civil Action No. 6:12-CV-570 MHS
<i>Plaintiff,</i>	§	
v.	§	CONSOLIDATED CASE
	§	
WIOFFER, LLC	§	
<i>Defendant.</i>	§	

**DECLARATION OF ALYSSA CARIDIS IN SUPPORT OF AUDIBLE
MAGIC CORPORATION'S AND ITS CUSTOMERS' MOTION TO TRANSFER
VENUE TO THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF CALIFORNIA UNDER 28 U.S.C. § 1404(a)**

I, Alyssa Caridis, declare under penalty of perjury that the following is true and correct:

1. I am an attorney at the law firm Orrick, Herrington & Sutcliffe, LLP, counsel of record for defendants Audible Magic Corp. (“Audible Magic”) and a number of its customers accused as defendants in this case on the basis of Audible Magic’s technology. I have personal knowledge of the facts set forth in this declaration, or access to information and records allowing me to confirm these facts. If called as a witness, I could testify competently to these facts under oath.

2. Attached as **Exhibit 1** is a true and correct copy of an Information Disclosure Statement by Application filed on April 17, 2007 in the prosecution of U.S. Patent Application Serial No. 09/657,181 (“’181 Application”).

3. Attached hereto as **Exhibit 2** is a true and correct copy of an inventor declaration filed in the prosecution of the ’181 Application on December 12, 2000.

4. Attached hereto as **Exhibit 3** is a true and correct copy of a Revocation of Power of Attorney filed in the prosecution of the ’181 Application on March 31, 2005.

5. Attached hereto as **Exhibit 4** are true and correct copies of communications exchanged between Mr. Moskowitz and the Patent Office during the prosecution of the ’181 Application.

6. Attached hereto as **Exhibit 5** are true and correct copies of communications exchanged between Mr. Moskowitz and the Patent Office during the prosecution of U.S. Patent Application Serial No. 12/005,229.

7. Attached hereto as **Exhibit 6** is a true and correct copy of U.S. Patent Publication 2012/0239686 dated September 20, 2012.

8. Attached hereto as **Exhibit 7** is a true and correct copy of the Florida

Department of State's Detail by Entity Name for Wistaria Trading Inc., as it appeared on the website <http://www.sunbiz.org> on May 10, 2013.

9. Attached hereto as **Exhibit 8** is a true and correct copy of the Florida Department of State's Detail by Entity Name for Blue Spike, Inc., as it appeared on the website <http://www.sunbiz.org> on May 10, 2013.

10. Attached hereto as **Exhibit 9** is a true and correct copy of the Florida Department of State's Detail by Entity Name for Canopus Medical, LLC as it appeared on the website <http://www.sunbiz.org> on May 10, 2013.

11. Attached hereto as **Exhibit 10** is a true and correct copy of Blue Spike, Inc.'s 2013 Florida Profit Corporation Annual Report filed with Florida's Secretary of State on January 20, 2013.

12. Attached hereto as **Exhibit 11** is a true and correct copy of Wistaria Trading Inc.'s 2013 Florida Profit Corporation Annual Report filed with Florida's Secretary of State on January 20, 2013.

13. Attached hereto as **Exhibit 12** is a true and correct copy of the LinkedIn profile for Scott Moskowitz, as it appeared on May 10, 2013.

14. Attached hereto as **Exhibit 13** is a true and correct copy of the Talent.me resume for Scott Moskowitz, as it appeared on December 31, 2012.

15. Attached hereto as **Exhibit 14** is a true and correct copy of selected portions of the LexisNexis Accurint Comprehensive Report for Scott Moskowitz, as it appeared on April 5, 2013 (with reference to social security numbers redacted).

16. Attached hereto as **Exhibit 15** is a true and correct copy of a document discussing "The DICE Company" mentioned in the complaint in this action, an article entitled "TECHNOLOGY; DIGITAL COMMERCE; 2 plans for watermarks, which can bind proof of

authorship to electronic works,” discussed at paragraph 38 of the complaint. The document refers to “the DICE Company in Palo Alto, Calif.”

17. Attached hereto as **Exhibit 16** is a true and correct copy of the RSA Conference 2013 website, as it appeared on May 10, 2013.

18. Attached hereto as **Exhibit 17** is a true and correct copy of the Assignment of the '181 Application from Messrs. Moskowitz and Berry to Blue Spike, Inc.

19. Attached hereto as **Exhibit 18** is a true and correct copy of the Assignment of U.S. Application No. 12/005,229 from Messrs. Moskowitz and Berry to Blue Spike, Inc.

20. Attached hereto as **Exhibit 19** is a true and correct copy of a recordation of the Assignment of U.S. Application No. 12/655,357 from Messrs. Moskowitz and Berry to Blue Spike, Inc.

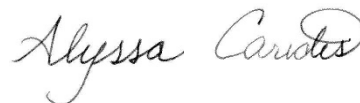
21. Attached hereto as **Exhibit 20** is a true and correct copy of the Articles of Incorporation filed by Blue Spike, LLC on May 14, 2012.

22. Attached hereto as **Exhibit 21** is a true and correct copy of the Patent Assignment Details for the Asserted Patents, which was record on August 5, 2012, as it appeared on the Patent and Trademark Office's website on May 10, 2013.

23. Attached hereto as **Exhibit 22** is a true and correct copy of “Table C-5 - U.S. District Courts—Median Time Intervals From Filing to Disposition of Civil Cases Terminated, by District and Method of Disposition, During the 12-Month Period Ending September 30, 2012,” which is part of the Judicial Business of the U.S. Courts.

I declare under penalty of perjury under the laws of the United States of America that the foregoing facts are true and correct based on my own personal knowledge.

Executed on May 21, 2013 in Los Angeles, California.

A handwritten signature in cursive script, reading "Alyssa Caridis". The signature is written in black ink and is positioned above a horizontal line.

Alyssa Caridis